

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed May 2, 2005. At the time of the Office Action, Claims 27-53 were pending in this Application. Claims 27-53 were rejected. Claims 27, 28, 30, 31, 35, 36, 38, 39, 45 and 46 have been amended to correct various clerical errors identified by the Examiner. In light of the amendments shown above and the following comments, Applicants respectfully request reconsideration and favorable action in this case.

Specification Objections

The Examiner identified two clerical errors in the Specification and suggested amendments to correct such clerical errors. (Office Action, Page 2). Applicants have amended the Specification as suggested by the Examiner, as shown above. Thus, Applicants respectfully request the Examiner withdraw her objections to the Specification.

Drawing Objections

The Examiner identified two clerical errors in the Figure 5 of the application and suggested amendments to correct such clerical errors. (Office Action, Page 2). Applicants have amended Figure 5 as suggested by the Examiner, as shown in the attached Replacement Sheets. Thus, Applicants respectfully request the Examiner withdraw her objections to Figure 5.

DRAWING AMENDMENTS

In the Drawing:

The drawings were objected to for informalities. Please replace Drawing Sheet 6, Figure 5 with replacement Drawing Sheet 6, Figure 5. Applicants also submit annotated red-lined drawing pages reflecting the changes. Applicants provide formal corrected drawings to be entered if the proposed changes are accepted by the Examiner.

Claim Objections

The Examiner identified several clerical errors in the Claims and provided suggested amendments to such clerical errors. (Office Action, Pages 2-3). Applicants treatment of each of such identified errors and suggested amendments is provided as follows:

- Claim 27, line 1-2, before “photomask manufacturing equipment” insert **--a--**.
 - Treatment: Amendment not made. The language is proper without amendment, and adding the article “a” before “photomask manufacturing equipment” would be grammatically incorrect.
- Claim 27, line 5, before “customer” insert **--remote--**.
 - Treatment: Amendment made.
- Claim 27, line 11, before “design data” insert **--the--**.
 - Treatment: Amendment made.
- Claim 28, line 2, before “customer” insert **--remote--**.
 - Treatment: Amendment made.
- Claim 28, line 2, change “electronic form” to **--an electronic format--**.
 - Treatment: Amendment made.
- Claim 30, line 2, before “data storage” insert **--a--**.
 - Treatment: Amendment made.
- Claim 31, line 2, before “data storage” insert **--a--**.
 - Treatment: Amendment made.
- Claim 35, line 1-2, before “photomask manufacturing equipment” insert **--a--**.
 - Treatment: Amendment not made. The language is proper without amendment, and adding the article “a” before “photomask manufacturing equipment” would be grammatically incorrect.
- Claim 35, line 6, before “customer” insert **--remote--**.
 - Treatment: Amendment made.
- Claim 35, line 11, change “instruction” to **--instructions--**.
 - Treatment: Amendment made.

- Claim 36, line 2, before “customer” insert **--remote--**.
 - Treatment: Amendment made.
- Claim 38, line 2, before “data storage” insert **--a--**.
 - Treatment: Amendment made.
- Claim 39, line 2, before “data storage” insert **--a--**.
 - Treatment: Amendment made.
- Claim 42, line 2, before “photomask manufacturing equipment” insert **--a--**.
 - Treatment: Amendment not made. The language is proper without amendment, and adding the article “a” before “photomask manufacturing equipment” would be grammatically incorrect.
- Claim 45, line 1, change “claims 42” to **--Claims 43--**.
 - Treatment: Amendment made.
- Claim 45, line 2, before “file” insert **--a--**.
 - Treatment: Amendment not made. The language is proper without amendment, and adding the article “a” before “file transfer protocol (FTP)” would be grammatically incorrect.
- Claim 46, line 1-2, change “fractured pattern data” to **--fracture instructions--**.
 - Treatment: Amendment made.

Rejections under 35 U.S.C. §103 are Improper At Least Because the *PhotoStore* Reference is Not Available as Prior Art.

Claim 53 was rejected under 35 U.S.C. §103(a) as being unpatentable over “*Precision Online Ordering of Photoplots & Photomasks*,” by PHOTOPLOT STORE, June 13, 2000 (“*PhotoStore*”) in view of U.S. Patent 6,330,708 issued to Thomas R. Parker et al. (“Parker et al.”).

Claims 27-52 were rejected under 35 U.S.C. §103(a) as being unpatentable over *PhotoStore* and Parker et al. in view of U.S. Patent 5,553,274 issued to Lars W. Leibmann (“Leibmann”).

Applicants respectfully traverse the rejections of Claims 27-53 at least because *PhotoStore* is not available as a reference against the present application.

First, Applicants note that the present application (the "Continuation Application") is a continuation of, and claims the benefit of, U.S. Patent Application No. 09/610,917, filed on July 5, 2000 (the "Parent Application"), which has been issued as U.S. Patent 6,622,295. Thus, the Continuation Application claims the priority date of July 5, 2000.

Concurrent with this Response to Office Action, Applicants have filed a declaration ("Declaration") under 37 C.F.R. § 1.131. Applicants submit that the Declaration and the Exhibits attached to the Declaration provide substantial evidence that (i) the subject matter of Applicants' claims was conceived prior to June 13, 2000 and (ii) the inventors worked diligently toward the filing of the Parent Application from prior to June 13, 2000 to July 5, 2000, the date that the Parent Application was filed. Therefore, Applicants respectfully contend that *PhotoStore* is no longer available to the Examiner to support a rejection of any of Claims 27-53.

For at least these reasons, Applicants respectfully submit that *PhotoStore* is not prior art with regard to Applicants' claims. Thus, Applicants respectfully respect the Examiner withdraw the rejections of Claims 27-53, which rejections are each based in part on *PhotoStore*.

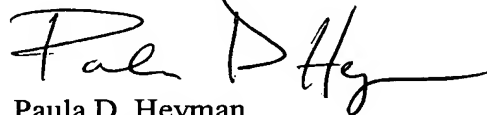
Conclusion

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of claims 27-53 as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2581.

Respectfully submitted,
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Date: May 2, 2005

ATTORNEY DOCKET
064441.0285

PATENT APPLICATION
10/657,648

14

APPENDIX

6/12

50 - Element 50
 Added

Main Menu

Get a Quote/Account

Account

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General

Layers

Patterns

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In Progress

Please complete the information for each distinct pattern, and press the "Save and Forward" button to progress to *Pattern Placement*.

If the number of patterns or layer information is wrong, please return to the General Info Screen and correct the number of distinct patterns, then return to this screen.

← Save And Back

Save And Stay

Save And Forward →

Patterns 1 - 1 of 1
 Layers 1 - 1 of 1

Pattern #1	Pattern Name:	Fracture Required?

Layer	Number of Placements	Address Units Out (μ)	Final CD Size (μ)	CD Tolerance (μ)	CD Digitized?	Digitized Data Tone
1				+/-		
Pattern application	!	!	!	?	!	!

← Save And Back

Save And Stay

Save And Forward →

? = Optional for order ! = Required for submit, optional for this screen ! = Required for this screen

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"Patent" changed to "Pattern"

FIG. 5